

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF ILLINOIS

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name SPD II Makaiwa Resort Development, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 47-1421294

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

5 Penn Plaza, 23rd Floor  
New York, NY 10001

Number, Street, City, State & ZIP Code

New York

County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **SPD II Makaiwa Resort Development, LLC** Case number (if known) \_\_\_\_\_  
Name

**7. Describe debtor's business**

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check **all** that apply:

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

☒ No.

☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **SPD II Makaiwa Resort Development, LLC** Case number (if known) \_\_\_\_\_  
Name

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☐ No ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor **Symmetry Tower/Chicago Project Owner, LLC** Relationship **Affiliate**  
District **NDIL** When **5/31/23** Case number, if known **23-7151**

11. Why is the case filed in this district? Check all that apply:  
☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.  
☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention?** (Check all that apply.)  
☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_  
☐ It needs to be physically secured or protected from the weather.  
☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).  
☐ Other \_\_\_\_\_
- Where is the property?** \_\_\_\_\_  
Number, Street, City, State & ZIP Code
- Is the property insured?**  
☐ No  
☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

### Statistical and administrative information

13. Debtor's estimation of available funds Check one:  
☒ Funds will be available for distribution to unsecured creditors.  
☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors ☒ 1-49 ☐ 1,000-5,000 ☐ 25,001-50,000  
☐ 50-99 ☐ 5001-10,000 ☐ 50,001-100,000  
☐ 100-199 ☐ 10,001-25,000 ☐ More than 100,000  
☐ 200-999

15. Estimated Assets ☒ \$0 - \$50,000 ☐ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion  
☐ \$50,001 - \$100,000 ☐ \$10,000,001 - \$50 million ☐ \$1,000,000,001 - \$10 billion  
☐ \$100,001 - \$500,000 ☐ \$50,000,001 - \$100 million ☐ \$10,000,000,001 - \$50 billion  
☐ \$500,001 - \$1 million ☐ \$100,000,001 - \$500 million ☐ More than \$50 billion

Debtor **SPD II Makaiwa Resort Development, LLC** Case number (if known) \_\_\_\_\_  
Name

**16. Estimated liabilities**

☒ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **SPD II Makaiwa Resort Development, LLC**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 31, 2023**  
MM / DD / YYYY

**X /s/ Jason Wei Ding**

Signature of authorized representative of debtor

**Jason Wei Ding**

Printed name

Title **Manager**

**18. Signature of attorney**

**X /s/ Laxmi P. Sarathy**

Signature of attorney for debtor

Date **May 31, 2023**

MM / DD / YYYY

**Laxmi P. Sarathy**

Printed name

**Whitestone, P.C.**

Firm name

**17W775 Butterfield Road**

**Suite 114**

**Oakbrook Terrace, IL 60181**

Number, Street, City, State & ZIP Code

Contact phone **3126747965**

Email address **lsarathy@whitestonelawgroup.com**

**6297529 IL**

Bar number and State

**Fill in this information to identify the case:**

Debtor name **SPD II Makaiwa Resort Development, LLC**  
 United States Bankruptcy Court for the: **NORTHERN DISTRICT OF ILLINOIS**  
 Case number (if known): \_\_\_\_\_

☐ Check if this is an  
 amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
-NONE-						

B2030 (Form 2030) (12/15)

**United States Bankruptcy Court  
Northern District of Illinois**

In re **SPD II Makaiwa Resort Development, LLC**

Debtor(s)

Case No.

Chapter **11**

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:
- |   |    |                  |
|---|----|------------------|
| For legal services, I have agreed to accept .....           | \$ | <b>20,000.00</b> |
| Prior to the filing of this statement I have received ..... | \$ | <b>5,000.00</b>  |
| Balance Due .....   | \$ | <b>15,000.00</b> |
2. \$ **1,738.00** of the filing fee has been paid.
3. The source of the compensation paid to me was:
- ☐ Debtor ☒ Other (specify): **Symmetry Property Development III LLC**
4. The source of compensation to be paid to me is:
- ☒ Debtor ☐ Other (specify):
5. ☐ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
- ☒ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached. **David R. Herzog**
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
  - Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
  - Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
  - Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
  - [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

**May 31, 2023**

*Date*

**/s/ Laxmi P. Sarathy**

**Laxmi P. Sarathy**

*Signature of Attorney*

**Whitestone, P.C.**

**17W775 Butterfield Road**

**Suite 114**

**Oakbrook Terrace, IL 60181**

**3126747965 Fax: 328734774**

**lsarathy@whitstonelawgroup.com**

*Name of law firm*

Ashford & Wriston  
First Hawaiian Center Suite 1400  
999 Bishop Street  
Honolulu, HI 96813

Bays Lung Law Firm  
700 Bishop Street  
Honolulu, HI 96813

Belt Collins Hawaii LLC  
2153 N King St #200  
Honolulu, HI 96819

Corban Kauai Chicago Lender, LLC  
2711 Centerville Road Suite 400  
Wilmington, DE 19808

Cumming Construction Management, In  
1132 Bishop Street, Suite 1570  
Honolulu, HI 96813

Dempsey Pacific Inc.  
4354 Pahoia Ave #10384  
Metamora, OH 43540

Don Nicholson  
Associated Building Consultants  
PO Box 230  
Kapaa, HI 96746

Esaki Surveying & Mapping Inc  
1610 Haleukana St  
Lihue, HI 96766

Fujita & Miura Public Relations  
PO Box 3996  
Lihue, HI 96766

Geolabs, Inc.  
94-429 Koaki St Suite 200  
Waipahu, HI 96797

Hallstrom Group  
1003 Bishop Street, Suite 1800  
Honolulu, HI 96813



Imanaka Asato LLC  
Topa Financial Center  
745 Fort Street Mall STE 1700  
Honolulu, HI 96813

Kauai Hydroseed & Landscape LLC  
1655 Haleukana St  
Lihue, HI 96766

Kauai Nursery & Landscaping  
3-1550 Kaumuali'i Highway  
Lihue, HI 96766

Kobayashi Sugita & Goda, LLP  
999 Bishop St STE 2600  
Honolulu, HI 96813

Lighting Design Alliance  
2830 Temple Ave  
Long Beach, CA 90806

Lodging Advisors LLC  
9 Hegel Place; Suite 201  
Port Monmouth, NJ 07758

Matsumoto George & Associates  
677 Ala Moana Blvd # 708  
Honolulu, HI 96813

Pacific AquaScapes  
2254 Lauwiliwili St, Kapolei  
Kapolei, HI 96707

Pacific Concrete, Cutting, & Coring  
1543 Haleukana St  
Lihue, HI 96766

Pural Water Specialty Co  
99-1135 Iwaena St # 6  
Aiea, HI 96701

RIM Architects  
55 Merchant St, #1400  
Honolulu, HI 96813

SCS Archaeology - Scientific Consul  
1357 Kapiolani Blvd #850  
Honolulu, HI 96814

Sea Engineering, Inc.  
863 North Nimitz Hwy East  
Honolulu, HI 96817

Shiramizu Loo & Nakamura  
4357 Rice St Ste 201  
West Unity, OH 43570

The Tow Truck LLC  
9250 Kaumualii Highway  
Waimea, HI 96796

Tom Nance Water Resource Engineerin  
560 N Nimitz Hwy #213  
Honolulu, HI 96817

Towill Shigeoka & Associates Inc  
2153 N King St #308  
Honolulu, HI 96819

Walsh Construction  
929 W Adams  
Chicago, IL 60607

WW Clyde  
869 N 1500 W  
Orem, UT 84057

**United States Bankruptcy Court  
Northern District of Illinois**

In re **SPD II Makaiwa Resort Development, LLC**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **SPD II Makaiwa Resort Development, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**May 31, 2023**

Date

**/s/ Laxmi P. Sarathy**

**Laxmi P. Sarathy**

Signature of Attorney or Litigant

Counsel for **SPD II Makaiwa Resort Development, LLC**

**Whitestone, P.C.**

**17W775 Butterfield Road**

**Suite 114**

**Oakbrook Terrace, IL 60181**

**3126747965 Fax:328734774**

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